

00-VE13.51 (65632-0129)

U.S. Serial No. 09/386,775

**REMARKS**

Claims 1-17 are pending in the Office Action. Claims 1-15 have been allowed. Claims 16 and 17 have been rejected. Applicant has amended Claim 16. Thus, Claims 1-17 are still currently pending upon entry of this amendment. Favorable reconsideration is respectfully requested in light of the following Remarks. No new matter has been added.

**I. Formal Matters**

1. Applicant graciously thanks the Examiner for allowing Claims 1-15.

2. It is respectfully requested that the United States Patent and Trademark Office change the Attorney Docket Number on the cover page of the Office Action to reflect the correct Attorney Docket Number of 65632-0129, not 1858.003.

**II. The Claims Define Patentable Subject Matter**

1. The Office Action rejects Claims 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,848,150 to Bingel ("Bingel"). Applicant respectfully traverses the rejection.

Regarding independent Claim 16, Applicant respectfully points out that the device as described in Bingel employs capacitors C1, C2 to minimize voice signal distortion so that DSL frequencies experience the linear high impedance of the POTS filter at tip and ring lines (see col. 5, lines 33-37). Conversely, Claim 16, as amended, recites *"placing a frequency selective filter in parallel with the communications path to provide for the interruption of the communications on the first frequency range while maintaining communications on the second frequency range."* Thus, Bingel clearly fails to disclose or suggest the Applicant's claimed invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. For at least this reason, Independent Claim 16 is allowable over the applied art.

00-VE13.51 (65632-0129)

U.S. Serial No. 09/386,775

Withdrawal of the rejection is respectfully requested.

Regarding independent Claim 17, Applicant respectfully points out that the device as described in Bingel employs a POTS filter (12) (which is referred to by the Office Action as the claimed 'local loop generation mechanism') connected in series with an automatic control mechanism (14) (see col. 4, lines 33-35; Figure 1) that includes the capacitors C1, C2 (which is referred to by the Office Action as the claimed 'frequency selective filter'), which is placed in parallel with diodes D1, D2, D3, D4. Conversely, Claim 17, as originally filed recites, "placing a frequency selective filter in parallel with the local loop generation mechanism." Thus, Bingel clearly fails to disclose or suggest the Applicant's claimed invention. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. See MPEP §2131. For at least this reason, Independent Claim 17 is allowable over the applied art. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

00-VE13.51 (65632-0129)

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Any fees associated with the filing of this paper should be identified in any accompanying transmittal. However, if any additional fees are required, they may be charged to Deposit Account 07-2347.

Respectfully submitted,

By



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